

UNITED STATES FEDERAL DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

WEST VIRGINIA STATE UNIVERSITY
BOARD OF GOVERNORS for and on behalf
of West Virginia State University,

Plaintiff,

V.

THE DOW CHEMICAL COMPANY;
UNION CARBIDE CORPORATION;
BAYER CORPORATION;
BAYER CROPSCIENCE LP;
BAYER CROPSCIENCE HOLDING INC.;
RHONE-POULENC INC.;
RHONE-POULENC AG COMPANY;
RHONE-POULENC AG COMPANY, INC.;
and AVENTIS CROPSCIENCE USA LP,

Defendants.

Case. No. 2:17-cv-03558

Hon. John T. Copenhaver, Jr.

**DEFENDANTS' SUPPLEMENTAL SUBMISSION
REGARDING THE RCRA CORRECTIVE ACTION PERMIT**

Defendants make this Supplemental Submission to inform the Court of the RCRA Corrective Action Permit issued on February 22, 2019, a copy of which is attached hereto as Exhibit A. As the documentation indicates, “The permit is based on the information submitted in the FDRTC, Final Decision, document issued by Environmental Protection Agency (EPA) on October 24, 2018,” which defendants previously submitted to the Court (Harold Ward, cover letter (Feb. 22, 2019) at 1, Ex. A)¹ and “incorporate[s]” that EPA Final Remedy (RCRA

¹ Defendants previously submitted the EPA Statement of Basis (Dkt. 68) and the EPA's Final Decision (Dkt. 69).

Corrective Action Permit § II, Ex. A). Now that the permit has issued, in the next stage of the ongoing regulatory process, defendant UCC will work with the EPA and WVDEP to develop a work plan to execute the final remedial measures the EPA approved in its Final Decision.

Dated: March 5, 2019.

/s/Patricia M. Bello

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Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of March, 2019, the foregoing “DEFENDANTS’ SUPPLEMENTAL SUBMISSION REGARDING THE RCRA CORRECTIVE ACTION PERMIT” was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to, and constitutes service on:

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